

Community Planning and Economic Development Department – Planning Division
Rezoning, Conditional Use Permits, six Variances and Major Site Plan Review
BZZ-1499

Date: December 8, 2003

Applicant: Silver Bullet Design and Build

Address of Property: 2613 1st Avenue South

Contact Person and Phone: Renee Roach on behalf of Silver Bullet, (612) 874-7748

Planning Staff and Phone: Hilary Watson, (612) 673-2639

Date Application Deemed Complete: November 13, 2003

End of 60-Day Decision Period: January 12, 2004

End of 120-Day Decision Period: Not applicable

Ward: 6 **Neighborhood Organization:** Whittier Alliance

Existing Zoning: R2B

Proposed Zoning: TP Transitional Parking Overlay District

Proposed Use: Surface parking lot

Previous Actions: None

Concurrent Review:

Rezoning: petition to add the TP (Transitional Parking) Overlay District to the existing R2B District

Conditional use permit: for a surface parking lot

Variance: to reduce the front yard setback from the required 20 feet to 12 feet 6 inches

Variance: to reduce the north interior side yard setback from the required 5 feet to 0 feet

Variance: to reduce the south interior side yard setback from the required 5 feet to 0 feet

Variance: to reduce the rear yard setback from 5 feet to 0 feet

Variance: to reduce the required width of a drive aisle from the required 12 feet to 9 feet

Variance: to increase the percentage of impervious surface on the site from 75 percent to 86 percent

Variance: of section 551.430 standard “f” which requires that each entrance to and exit from a parking lot in the TP Overlay District be located at least twenty (20) feet from any adjacent property located in a residence or office residence district

Major site plan review

Background The applicant owns both of the properties located at 2611 1st Avenue South and 2613 1st Avenue South. The applicant's design and build company is located in the building located at 2611 1st Avenue South. The building is historically designated. The applicant is proposing to demolish the duplex that is located on the property at 2613 1st Avenue South and construct a surface parking lot for the five employees of the design and build company.

Currently the employees park in the surface parking lot located on the corner of Stevens Avenue South and East 26th Street. The City is currently reviewing a multi-use development that is proposed for that property which, when built, would eliminate the surface parking lot that the employees park in.

The site plan that was submitted by the applicant requires seven variances, provides no room for a landscape buffer between the applicant's property and the residential property to the south and is mostly impervious surface. Staff has developed two alternative parallel parking layouts that reduce the number of variances requested and increases the amount of pervious surface on the site. Staff is recommending that one of the two alternative parallel parking layouts be approved by the Planning Commission and implemented by the applicant. Please note that staff would not support the conditional use permit if the applicant's site plan were approved.

Neighborhood Review: The Whittier Alliance was notified on October 29, 2003 of the proposed development. Staff has not received a response from the neighborhood organization.

Attachments:

1. Letter from the property owner
2. Propose use and description of the project
3. Rezoning certification letter from the City Attorney's Office
4. CUP and variance findings
5. October 29, 2003 letter to CM Dean Zimmerman and the Whittier Alliance
6. Zoning Map
7. Survey of the property
8. Site and landscape plans
9. Revised site plan by staff showing parallel parking spaces
10. Photographs of the site and surrounding area

REZONING

Zoning Plate Number: 20

Legal Description: The South half of Lot 8, Block 3, Corson's Addition to Minneapolis, according to the recorded plat thereof and situate in Hennepin County, Minnesota.

Findings as Required by the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The site is located in a low-density residential area and adjacent to a general commercial area. Nicollet Avenue, which is located one block to the west, is a designated Commercial Corridor. In addition, the intersection of Nicollet Avenue and East 26th Street is also a designated Activity Center. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Maintain and strengthen the character of the city's residential areas.
- Promote design solutions for automobile parking facilities that reflect principles of traditional urban form.
- Require the landscaping of parking lots.
- Locate parking lots behind buildings or in the interior of a block to reduce the visual impact of the automobile in mixed use areas.

The parking lot that the applicant is proposing to design is located at the edge of a general commercial area. The parking lot will be used by the employees of the adjacent business only. At night the parking lot will be gated off so people cannot park in it or hang out in it. The applicant is proposing to landscape the entrance to the parking lot in order to screen it from the public street.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The amendment will allow the property owner to construct a parking lot on the site. In no way does adding the TP Overlay remove any rights of the R2B zoning district. Approving this rezoning will provide off-street parking spaces for the employees of the adjacent business in a neighborhood where on-street parking is at a premium.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The site is bordered by C2 zoning to the east and north and R2B zoning to the west and south. Adjacent uses include a job staffing office, a laundromat, a hair salon, and a number of single-family and multi-family dwellings.

The proposed TP Overlay is compatible with the immediately surrounding area. The TP Transitional Parking Overlay District is established to allow parking lots for passenger automobiles in residence and office residence

districts when adjacent to a zoning district in need of additional parking for customers and employees. In this particular situation the TP Overlay would be added to a property that is adjacent to a general commercial zoning district in need of off-street parking for its employees.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

There are reasonable uses of the property permitted under the R2B zoning district. The R2B zoning district is a low-density residential district. Permitted uses in the R2B district include, but are not limited to, the following:

- Two-family dwelling.
- Community residential facility serving fewer than six (6) persons.
- Community garden.
- Public park.
- Place of assembly.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

Under the 1963 Zoning Code, the subject property and the surrounding area was zoned similarly to what it is today. In the general area, Nicollet Avenue has been designated as a Commercial Corridor and the intersection of Nicollet Avenue and East 26th Street has been designated as an Activity Center. In addition, the City Council recently approved a mixed-use housing development on the northeast corner of the intersection of Nicollet Avenue and East 26th Street.

CONDITIONAL USE PERMIT – for a surface parking lot

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

The parking lot that the applicant is proposing to design is located at the edge of a general commercial area. The parking lot will be used by the employees of the adjacent business only. At night the parking lot will be gated off so people cannot park in it or hang out in it. The applicant is proposing to landscape the entrance to

the parking lot in order to screen it from the public street. Staff does not believe that the development would be detrimental to or endanger the public health, safety, morals, comfort or general welfare if one of the two alternative parallel parking layouts is implemented.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

Currently the employees park in the parking lot located on the corner of Stevens Avenue South and East 26th Street. The City is currently reviewing a multi-use development that is proposed for that property which, when built, would eliminate the parking lot that the employees park in. Utilizing the site for an employee parking lot will alleviate the on-street parking demand once the existing parking lot is removed.

Staff is concerned about the removal of a dwelling unit in order to create a surface parking lot. However, by rezoning to the TP Overlay maintains the underlying R2B zoning district designation for when in the future the surface parking lot is not needed.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

Utilizing the site for an employee parking lot will alleviate the on-street parking demand once the existing parking lot located on the corner of Stevens Avenue South and East 26th Street is removed.

5. Is consistent with the applicable policies of the comprehensive plan.

The site is located in a low-density residential area and adjacent to a general commercial area. Nicollet Avenue, which is located one block to the west, is a designated Commercial Corridor. In addition, the intersection of Nicollet Avenue and East 26th Street is also a designated Activity Center. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Maintain and strengthen the character of the city's residential areas.
- Promote design solutions for automobile parking facilities that reflect principles of traditional urban form.
- Require the landscaping of parking lots.
- Locate parking lots behind buildings or in the interior of a block to reduce the visual impact of the automobile in mixed use areas.

The parking lot that the applicant is proposing to design is located at the edge of a general commercial area. The parking lot will be used by the employees of the adjacent business only. At night the parking lot will be gated off so people cannot park in it or hang out in it. The applicant is proposing to landscape the entrance to the parking lot in order to screen it from the public street.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

If one of the two alternative parallel parking layouts is implemented this development will be in conformance with the applicable regulations of the zoning code.

VARIANCE - to reduce the front yard setback from the required 20 feet to 12 feet 6 inches

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Front yard setback: The applicant is seeking a variance to reduce the front yard setback from the required 20 feet to 12 feet 6 inches. The applicant has indicated that in order to provide one more parking space within the surface parking lot this setback variance is needed. The applicant has indicated that there are a total of five employees that need to park in the parking lot and therefore a total of five parking spaces are needed. The applicant's site plan shows a total of six parking spaces; one is a handicapped parking space.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Front yard setback: The need to accommodate five parking spaces within the parking lot is not a unique circumstance of this property.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Front yard setback: Allowing the parking lot to be constructed in the adjacent properties' front yard would alter the essential character of the area. The adjacent house is setback a total of 19 feet from the front property line and the attached open porch is setback a total of 14 feet from the front property line. Allowing the parking lot to be built in line with the adjacent house's porch would provide room for a total of five parking spaces in the parking lot.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Front yard setback: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback variance be detrimental to welfare or public safety.

VARIANCE - to reduce the north interior side yard setback from the required 5 feet to 0 feet

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

North interior side yard setback: The applicant is seeking a variance to reduce the north interior side yard setback from the required 5 feet to 0 feet. The applicant has indicated that in order to provide accurately dimensioned parking spaces and a wider drive aisle that the setback variance is needed.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

North interior side yard setback: The need to provide accurately dimensioned parking spaces and a wider drive aisle are not unique circumstances of this property. However, in order to provide parking on the site one of the interior side yard setbacks would need to be reduced. In this particular situation the north property line abuts the applicant's property and the south property line abuts a property with a dwelling on it. Staff believes that the most important setback to protect is the south property line because the adjacent dwelling is located only two feet off of the interior property line.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

North interior side yard setback: Allowing the variance to reduce the north interior side yard setback to be reduced to zero feet would alter not alter the essential character of the area as the requested variance is from the property line adjacent to the applicant's building. However, the building is historic and should be protected so cars do not drive into or bump the exterior walls of the building. In order to provide this protection staff would suggest that a three-foot setback be provided from the north interior property line.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

North interior side yard setback: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback variance be detrimental to welfare or public safety.

VARIANCE - to reduce the south interior side yard setback from the required 5 feet to 0 feet

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

South interior side yard setback: The applicant is seeking a variance to reduce the south interior side yard setback from the required 5 feet to 0 feet. The applicant has indicated that in order to provide accurately dimensioned parking spaces and a wider drive aisle that the setback variance is needed.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

South interior side yard setback: The need to provide accurately dimensioned parking spaces and a wider drive aisle are not unique circumstances of this property. However, in order to provide parking on the site one of the interior side yard setbacks would need to be reduced. In this particular situation the north property line abuts the applicant's property and the south property line abuts a property with a dwelling on it. Staff believes that the most important setback to protect is the south property line because the adjacent dwelling is located only two feet off of the interior property line.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

South interior side yard setback: Allowing the variance to reduce the south interior side yard setback to be reduced to zero feet would alter the essential character of the area as the adjacent house to the south is only setback two feet from the interior property line. Because the house is located so close to the interior property line a transition area is needed in order to provide a visual blockade between the adjacent dwelling and the surface parking lot.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

South interior side yard setback: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback variance be detrimental to welfare or public safety.

VARIANCE - to reduce the rear yard setback from 5 feet to 0 feet

Findings as Required by the Minneapolis Zoning Code for the Variance:

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Rear yard setback: The applicant is seeking a variance to reduce the rear yard setback from 5 feet to 0 feet. The applicant has indicated that the back five feet of the property is already paved and that no changes are being proposed to this area.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Rear yard setback: Although the back five feet of the property is already paved it is not a unique circumstance of the property.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Rear yard setback: The applicant is seeking a variance to increase the amount of impervious surface on the site. Removing the pavement at the back of the property and installing landscaping would reduce the size of the variance that the applicant is seeking for impervious surface.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Rear yard setback: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback variance be detrimental to welfare or public safety.

VARIANCE - to reduce the required width of a drive aisle from the required 12 feet to 9 feet

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Drive aisle width: The applicant is seeking a variance to reduce the required width of a drive aisle from the required 12 feet to 9 feet. The applicant has indicated that in order to provide accurately dimensioned parking spaces that the width of the drive aisle needs to be reduced.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Drive aisle width: The need to provide accurately dimensioned parking spaces is not a unique circumstance of this property.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Drive aisle width: Reducing the south interior side yard setback and the width of the drive aisle in order to provide accurately dimensioned parking spaces would alter the essential character of the area as the adjacent house to the south is only setback two feet from the interior property line. Because the house is located so close to the interior property line a transition area is needed in order to provide a visual blockade between the adjacent dwelling and the surface parking lot.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Drive aisle width: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

VARIANCE - to increase the percentage of impervious surface on the site from 75 percent to 86 percent

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Impervious surface percentage: The applicant is seeking a variance to increase the percentage of impervious surface on the site from 75 percent to 86 percent. The applicant has indicated that in order to provide a minimum of five parking spaces on the site that the amount of impervious surface on the site increases.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Impervious surface percentage: The need to accommodate a minimum of five parking spaces within the parking lot is not a unique circumstance of this property.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Impervious surface percentage: Decreasing the amount of impervious surfaces throughout the city is a policy not only in the Minneapolis Zoning Code but also the city's comprehensive plan. Allowing a higher amount of impervious surface on the site would alter the character of the area.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Impervious surface percentage: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

VARIANCE - of section 551.430 standard "f" which requires that each entrance to and exit from a parking lot in the TP Overlay District be located at least twenty (20) feet from any adjacent property located in a residence or office residence district

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Location of the entrance and exit to the parking lot: The applicant is seeking a variance of section 551.430 standard "f" which requires that each entrance to and exit from a parking lot in the TP Overlay District be located at least twenty (20) feet from any adjacent property located in a residence or office residence district. The applicant has indicated that by placing the entrance to and exit from the parking lot within 20 feet of the adjacent residentially zoned district that the vehicles in the parking lot are located further from the adjacent dwelling.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Location of the entrance and exit to the parking lot: The desire to keep the vehicles in the parking lot away from the adjacent dwelling is a unique circumstance of this property. Even if the entrance to and exit from the parking lot was located on the north end of the site a variance would be required.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Location of the entrance and exit to the parking lot: If an appropriate transition area is provided between the parking lot and the adjacent dwelling to the south the location of the drive aisle should not alter the essential character of the area.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Location of the entrance and exit to the parking lot: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan. (See Section B Below for Evaluation.)**
- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- First floor of the building shall be located not more than eight (8) feet from the front lot line**

(except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.

- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.
- Entrances and windows:
- Residential uses shall be subject to section 530.110 (b) (1).
- Nonresidential uses shall be subject to section 530.110 (b) (2).
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- There is no building associated with this major site plan review application.

ACCESS AND CIRCULATION

- Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.
- Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.
- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).
- Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.
- Site plans shall minimize the use of impervious surfaces.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- On the north side of the parking lot staff is recommending that the parking lot be setback three feet from the applicant's building and that the area be curbed and filled in with wood chips in order to provide protection to the building and a walkway for the employees from the parking lot to the front door of the building.

- The Public Works Department is okay with allowing alley access for this parking lot as long as it is utilized by employees only.
- The applicant is proposing to store snow in the landscaped area at the front of the parking lot.

LANDSCAPING AND SCREENING

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
- Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).
- Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.
 - A masonry wall.
 - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.
- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.
- All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING
DIVISION RESPONSE**

- According to the applicant's site plan, once the project is complete approximately 14 percent of the site will be landscaped (please see the attached landscaping plan). Staff is recommending that one of the parallel parking layouts be implemented instead of the applicant's site plan in order to maintain two of the required setbacks, the required drive aisle width and the impervious surface minimum. The two parallel parking layouts have as much as 30 percent green space on the site.
- The city's landscaping consultant has not reviewed the landscaping plan.
- The applicant is proposing to have a decorative metal fence located around the perimeter of the parking lot. Along the front and south side of the lot the fence is proposed to be four feet in height and along the back of the lot the fence is proposed to be six feet in height. The fence heights meet the requirements of the zoning code.

ADDITIONAL STANDARDS

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **Buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260.**
- **Site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING
DIVISION RESPONSE**

- The existing lighting that is attached to the building is sufficient for the parking lot. If the applicant were to ever change the lighting on the building the new lighting must meet the standards of Chapter 535, Regulations of General Applicability.
- This development should not block views of important elements within the city.
- This development should not cast shadows on surrounding properties.
- This development should not contribute to the wind tunnel effect.
- The Crime Prevention Specialist has reviewed the project in regards to crime prevention design elements. To ensure the welfare of the residents of the development and the residents of the area the Crime Prevention Specialist has asked that the landscaping maintain a visual window between three feet and six feet.
- This site is neither historic nor located in a historic district. However, the applicant's building is historically designated.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan

ZONING CODE

If one of the two alternative parallel parking layouts is implemented this development will be in conformance with the applicable regulations of the zoning code.

THE MINNEAPOLIS PLAN

The site is located in a low-density residential area and adjacent to a general commercial area. Nicollet Avenue, which is located one block to the west, is a designated Commercial Corridor. In addition, the intersection of Nicollet Avenue and East 26th Street is also a designated Activity Center. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Maintain and strengthen the character of the city's residential areas.
- Promote design solutions for automobile parking facilities that reflect principles of traditional urban form.
- Require the landscaping of parking lots.
- Locate parking lots behind buildings or in the interior of a block to reduce the visual impact of the automobile in mixed use areas.

The parking lot that the applicant is proposing to design is located at the edge of a general commercial area. The parking lot will be used by the employees of the adjacent business only. At night the parking lot will be gated off so people cannot park in it or hang out in it. The applicant is proposing to landscape the entrance to the parking lot in order to screen it from the public street.

Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council

There are no small area plans adopted by the city for this particular location.

ALTERNATIVE COMPLIANCE

The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING
DIVISION RESPONSE**

- Alternative compliance is not warranted for this site.

RECOMMENDATIONS

Recommendation of the Community Planning and Economic Development Department – Planning Division for the rezoning:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to add the TP (Transitional Parking) Overlay District to the existing R2B District for the property located at 2613 1st Avenue South.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the conditional use permit:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to allow a surface parking lot located at 2613 1st Avenue South subject to the following conditions:

1. One of the two alternative parallel parking layouts shall be implemented instead of the applicant's site plan in order to maintain two of the required setbacks, the required drive aisle width and the impervious surface minimum.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the variance to reduce the front yard setback from the required 20 feet to 12 feet 6 inches for the property located at 2613 1st Avenue South.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the north interior side yard setback from the required 5 feet to 3 feet for the property located at 2613 1st Avenue South.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and deny the variance to reduce the south interior side yard setback from the required 5 feet to 0 feet for the property located at 2613 1st Avenue South.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and deny the variance to reduce the rear yard setback from 5 feet to 0 feet for the property located at 2613 1st Avenue South.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and deny the variance to reduce the required width of a drive aisle from the required 12 feet to 9 feet for the property located at 2613 1st Avenue South.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and deny the variance to increase the percentage of impervious surface on the site from 75 percent to 86 percent for the property located at 2613 1st Avenue South.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and approve the variance of section 551.430 standard “f” which requires that each entrance to and exit from a parking lot in the TP Overlay District be located at least twenty (20) feet from any adjacent property located in a residence or office residence district for the property located at 2613 1st Avenue South.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the site plan review:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review for the property located at 2613 1st Avenue South subject to the following conditions:

1. The parking lot shall be setback three feet from the applicant's building. There shall be a curb between the edge of the parking lot and the building and the area inbetween shall be filled in with wood chips in order to provide protection to the building and a walkway for the employees from the parking lot to the front door of the building.
2. One of the two alternative parallel parking layouts shall be implemented instead of the applicant's site plan in order to maintain two of the required setbacks, the required drive aisle width and the impervious surface minimum.
3. There shall be concrete curbing around the landscaped areas at the rear of the site and along the north and south property lines. The landscaped area near the front of the site on the north side does not need to be curbed.
4. A landscape buffer shall be provided along the south property line in order to screen the parking lot from the adjacent dwelling.
5. The Community Planning and Economic Development Department – Planning Division shall approve the final site, landscaping and elevation plans.
6. The applicant shall obtain an encroachment permit from the Public Works Department for any work done in the right-of-way.
7. All site improvements shall be completed by December 8, 2004, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
8. If estimated site improvement costs exceed \$2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before exterior building permits are issued.